

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FREE SPEECH COALITION, INC., et al. : CIVIL ACTION

v. :

HONORABLE ERIC H. HOLDER, JR. : NO. 09-4607

ORDER RE: ORAL ARGUMENT

AND NOW, this 8th day of March, 2010, it is hereby ORDERED as follows:

1. The time for the oral argument in this case will be changed from 4:00 p.m. to 2:00 p.m. on Friday, March 12, 2010.

2. Any party that has filed an amicus brief as of the date of this Order will be allowed to present argument for five (5) minutes.

3. As to the substantive issues presented by the Motion to Dismiss, counsel shall be prepared to discuss the following:

a. Concerning the attack on 18 U.S.C. § 2257, are there any material factual differences between this case and Connection Distributing Co. v. Holder (Connection III), 557 F.3d 321 (6th Cir. 2009) (en banc)?

b. Do the parties rely on any Third Circuit cases as predictors of how the Third Circuit would treat the holding in Connection III?

c. With regard to 18 U.S.C. § 2257A, are counsel aware of any other courts that have ruled on the constitutionality of this section?

d. Do counsel rely on any Third Circuit cases as predictors of how the Third Circuit would rule on the constitutionality of 18 U.S.C. § 2257A?

4. The Court will also hear argument on Plaintiffs' Motion for a Preliminary

Injunction. Plaintiffs shall have available at the argument a brief written summary of any testimony which they wish to introduce on their Motion for a Preliminary Injunction.

5. The Court will also use this hearing for a Rule 16 pretrial conference. The parties should advise whether they require any discovery, assuming Defendant's Motion to Dismiss is denied in whole or in part.

6. Plaintiffs shall also be prepared to advise their position as to whether this case will require separate proceedings on the Motion for a Preliminary Injunction, and if a trial is to be held, whether a single and final hearing can be held promptly.

BY THE COURT:

s/Michael M. Baylson

Michael M. Baylson, U.S.D.J.